

Summary Final Decision Art 60

Complaint

Order to take a decision regarding the fulfilment of the conditions for erasure under Article 17 GDPR

Background information

Date of final decision:	25 October 2019
LSA:	DK
CSAs:	AT, BE, CY, DE, ES, FI, FR, HU, IT, LU, NL, NO, SE, SK, UK
Controller:	PANDORA A/S
Legal Reference:	Principles relating to processing of personal data (Article 5), Transparent information, communication and modalities for the exercise of the rights of the data subject (Article 12), Right to erasure (Article 17)
Decision:	Order to take a decision regarding the fulfilment of the conditions for erasure under Article 17 GDPR and a reprimand to the controller.
Key words:	Right to erasure, Data subjects' rights, Transparency

Summary of the Decision

Origin of the case

The complainant requested to have his personal data deleted from the controller's database. The controller replied that, before processing his erasure request, a proof of identification was necessary to confirm his identity. As the complainant refused to comply with the controller's demand, his data were not deleted.

Findings

The LSA found that the controller's procedure under which ID validation was required without exception when processing a data subject's request was not in conformity with Article 12(6) and Article 5(1)(c) GDPR. The LSA also found that, under the controller's procedure, data subjects had to provide more information than initially collected in order to have their request processed. Consequently, the controller's procedure for ID validation went beyond what was required and made burdensome for data subjects to exercise their rights.

Decision

The LSA criticized that the processing by the controller had not been done not in accordance with Article 12(6) and Article 5(1)(c) GDPR. It ordered the controller to decide within two weeks whether the conditions for erasure present in Article 17 GDPR were met and, if so, delete the complainant's data.